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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,774	02/25/2002	Gregory P. Fitzpatrick	BOC9-2001-0002 (238)	4419

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EXAMINER

BRINEY III, WALTER F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 06/23/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,774

Applicant(s)

FITZPATRICK ET AL.

Examiner

Walter F Briney III

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick et al. (US Patent 5,436,963) in view of Adams et al. (US Patent 6,631,186).

Claim 1 is limited to a **method of message delivery**. Fitzpatrick discloses a data processing system (figure 1) capable of allowing a user to populate a calendar with location info (i.e. **registering a plurality of reception states for a receiving party**) (column 2, line 50-column 3, line 12) and corresponding contact forwarding addresses (i.e. **wherein said reception states specify conditions for establishing communications links with receiving party addresses**). It is clear that Fitzpatrick provides call forwarding for at least one subscriber, however, there is no ability to provide call forwarding to multiple subscribers assigned to different telephone numbers. Therefore, Fitzpatrick anticipates all limitations of the claim with the exception of **identifying a receiving party address from a first initiated communications link between a sending party and the receiving party**. Adams teaches a logical progression over the single subscriber call-forwarding device of Fitzpatrick that includes a network accessible call forwarding service with the ability to handle multiple users.

Because the system of Adams has to arbitrate between different subscriber records, it contains a database of all users and upon a call request from a caller, the service polls its database for the corresponding called number, clearly the single subscriber unit of Fitzpatrick lacks this functionality, thus, the database must be included for full functionality (i.e. **identifying a receiving party address from a first initiated communications link**) (figure 1). It would have been obvious to replace the data processing device of Fitzpatrick with the network as taught by Adams for the purpose of providing call forwarding service to multiple users without the added cost of dedicated hardware for each subscriber necessitated by the data processing system of Fitzpatrick. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the database as taught by Adams for the purpose of distinguishing which subscriber's information is to be retrieved by analyzing the called number. In response to detecting the called party's records, the forwarding procedure can continue as disclosed by Fitzpatrick. Therefore, Fitzpatrick discloses polling a calendar to determine a subscriber's status (figure 2a, step 250) (i.e. **determining reception state data specified by said plurality of reception states according to said receiving party address**); the information is then presented to the caller (figure 2a, step 290). Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim.

Claim 2 is limited to **the method of claim 1**, as covered by Fitzpatrick in view of Adams. Fitzpatrick discloses allowing a caller to determine whether a call is to be forwarded (i.e. **receiving a response from the sending party specifying further**

instructions for processing said first initiated communications link) (figure 2a, step 230; figure 2b, step 420). Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim.

Claim 3 is limited to **the method of claim 1**, as covered by Fitzpatrick in view of Adams. Adams was relied upon to show that the advantages of call forwarding are applicable in a network so that multiple users can benefit without investing in the necessary hardware. Further, Adams was shown to teach that network call forwarding solutions require called party identification for determining call forwarding options. Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim with the exception of **identifying a sending party address and determining contextually relevant reception state data according to said identified sending party address**. Adams further teaches providing a call priority list (column 6, lines 49-63). This enables a subscriber to determine if certain parties will have the option to forward a call or not. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a priority list as taught by Adams for the purpose of allowing a subscriber to block calls that are not necessary, thus providing privacy and/or protection from unwanted calls.

Claim 4 is limited to **the method of claim 3**, as covered by Fitzpatrick in view of Adams. Fitzpatrick discloses a calendar mode that provides a call forwarding number related to the current time/date (i.e. **contextually relevant reception state data according to the time of said first initiated communications link**) (column 2, line 63-

column 3, line 12). Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim.

Claim 5 is limited to **the method of claim 1**, as covered by Fitzpatrick in view of Adams. Fitzpatrick discloses **completing said first communications link** (figure 2b, step 440). Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim.

Claim 6 is limited to **the method of claim 1**, as covered by Fitzpatrick in view of Adams. Fitzpatrick discloses **terminating said first initiated communications link** (figure 2b, step STOP). Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim.

Claim 7 is limited to **the method of claims 2 or 6**, as covered by Fitzpatrick in view of Adams. Fitzpatrick discloses determining if a caller wants to forward a call (i.e. **according to said response, initiating a second communications link**) (figure 2b, step 420), the forwarding number is a telephone number. Its nature as a forwarding number makes it **different** from the initial number, and because it is a telephone number it is on the **same communications channel as said first initiated communication link**. Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim.

Claim 9 is limited to **the method of claim 1**, as covered by Fitzpatrick in view of Adams. Fitzpatrick discloses a call forwarding system that inherently allows at least a second caller (i.e. **detecting at least one additional initiated communications link from subsequent sending parties**) to be treated with the same processing functions

as a first caller after a first caller has completed their call (i.e. **and presenting said reception state data to selected ones of said subsequent sending parties**).

Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim.

Claim 10 is limited to **the method of claim 1**, as covered by Fitzpatrick in view of Adams. Clearly, Fitzpatrick intends for any caller to be presented with forwarding options from any subscriber (i.e. **initiating at least one additional communications link from said receiving party or said sending party to a third party**) with the call forwarding functions described (i.e. **and presenting reception state data associated with said third party to at least one of said sending party or said receiving party**).

Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim.

Claims 11-17, 19, and 20 are directed toward a machine-readable storage with a program that executes the method that is essentially the same as claims 1-7, 9, and 10, respectively. Clearly, Fitzpatrick discloses a data processing system and likewise, the networks of Adams and O'Neal use computer devices that inherently require machine-readable storage with computer programs for their operation. Thus, claims 11-17, 19, and 20 are essentially the same as claims 1-7, 9, and 10, respectively, and are rejected for the same reasons.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick in view of Adams and further in view of O'Neal et al. (US Patent 6,263,064).

Claim 8 is limited to **the method of claims 2 or 6**, as covered by Fitzpatrick in view of Adams. As shown in claim 7, Fitzpatrick in view of Adams teaches connecting a caller to a subscriber via a forwarding telephone number, but does not provide a

network with the ability for inter-format communication. Therefore, Fitzpatrick in view of Adams makes obvious all limitations of the claim with the exception of **initiating a second communications link using a communications channel different from the communications channel of said first initiated communications link**. O'Neal teaches a unified network that allows a subscriber to setup call forwarding with the ability to transmit phone messages to email and vice versa (column 6, lines 50-65). The unified network architecture of O'Neal allows a subscriber the ability to manage all personal communication peripherals in one package with the ability for intercommunication between all devices (column 3, line 8-column 5, line 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the telephony-centric network of Fitzpatrick in view of Adams with the unified network as taught by O'Neal for the purpose of allowing a subscriber to setup call forwarding options between all personal peripherals regardless of their communications links.

Claim 18 is essentially the same as claim 8, and is rejected for the same reasons. See the rejections of claims 11-17, 19, and 20 for rationale of similarity.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F Briney III whose telephone number is 703-305-0347. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFB
6/18/04



MINSUN OH HARVEY
PRIMARY EXAMINER